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December 12, 2000

Lawrence M. Noble, Esquire
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

DEC 18 10 24 AM '00

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Re: MUR 5120 Hillary Rodham Clinton; Hillary Rodham Clinton for U.S. Senate Committee; and William J. Cunningham, III, as treasurer

Dear Mr. Noble:

On behalf of Mrs. Hillary Rodham Clinton, the Hillary Rodham Clinton for U.S. Senate Committee (the "Committee"), and Mr. William J. Cunningham, III, as treasurer, this letter is in response to a complaint filed by Anne McDonald (the "Complainant") in the above-captioned Matter Under Review.

There is no basis set forth in the complaint that any violation of the Federal Election Campaign Act of 1971, as amended, (the "Act") or of the Federal Election Commission's regulations has occurred. The Committee, therefore, requests that the Commission promptly dismiss this complaint and close this matter as it pertains to the Committee, Mrs. Clinton, and Mr. Cunningham.

Specifically, no contribution was made to the Committee when some pages of a list of names for a White House party were inadvertently mixed with other pieces of paper that included campaign lists that were subsequently added to the campaign database. When the mistake was discovered, the campaign deleted the party list names from its database and returned the five contributions totaling \$275 received from individuals on the party list.

Moreover, the Federal Government or any authority of the Federal Government, such as the White House, cannot possibly make a contribution to a federal candidate as such terms are defined under the Act. Only "persons" can make contributions. 2 U.S.C. §431(8)(A). The term "person" is defined to include "an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons, but such term does not include the Federal Government or any authority of the Federal Government. 2 U.S.C. §431(11). [emphasis supplied].

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Accordingly, the White House cannot make a contribution to a federal candidate even if something of value was transferred to a candidate. Finally, the Committee was not required to itemize the inadvertent receipt of the party list on its FEC report as an in-kind contribution.

There is no basis for this complaint against the Committee. It does not contain any recitation of facts that describe a violation of the Act. In short, the White House did not make a contribution to the Committee. Accordingly, the Commission should promptly close this matter as it pertains to Mrs. Clinton, Mr. Cunningham, and the Hillary Rodham Clinton for U.S. Senate Committee.

Sincerely,



Lyn Utrecht

cc: William J. Cunningham, III

21-04-403-4589